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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/460,007 12/13/99 HARPER, JR.

D BERG-2462/C

EXAMINER

MMC2/1107

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ART UNIT

PAPER NUMBER

2833
DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/460,007

Applicant(s)

Harper, Jr.

Examiner

Truc Nguyen

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Aug 15, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 4-8, 10-16, and 19-21 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 4-8, 10-16, and 19-21 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☒ Other: Examiner's Attachment

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-8, 10-11, 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Walker (US 5,788,510).

Regarding claims 1, 4-8, 10-11, 16, 19-21, Applicant's APA substantially disclosed the claimed invention in Figure 1, except the a notch or a slot located at position generally furthest from a neutral point of the connector and extending through a distal end of the peripheral wall of the housing from an inner face to an outer face of the peripheral wall.

Walker discloses in Figure 1, an electrical connector housing (20) comprising a notch (E1) located only at location furthest from neutral point of the housing, the notch extending through a distal end of the peripheral wall from an inner face to an outer face.

Although Walker does not specifically disclose the slot (E1) is for the purpose of preventing warpage problem of the housing caused by thermal cycling. The structure, disclosed by Walker, would inherently obtain the advantage of the slot being presents in the housing. Thus, it has a capable of preventing warpage of the housing.

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It would have been an obvious to one having ordinary skill in the art to modify the connection housing of the Applicant's APA with a slot only at furthest location from a neutral point of the housing. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex Parte Masham, 2 USPQ2d 1647 (1987)*.

3. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Walker (US 5,788,510) and further in view of McHugh et al (US 6,033,236).

Claims 12-15 are rejected for the same reason as above. Applicant's APA in view of Walker substantially disclosed the claimed invention, except a process of determining a location of the housing which may build up stress.

McHugh et al disclose a portion of the housing (12) is remove at location where the passageway (18) are located. The portion that was removed defined an opened slot (38) that will prevent the warpage problem of the housing (Figures 5B and column 3, lines 13-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to remove a portion of the housing where the stress is high as taught by McHugh.

Response to Arguments

4. Applicant's arguments filed on 8/15/2001 have been fully considered but they are not persuasive.

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Regarding applicant's argument in the Remark section, page 3, lines 1-24.

The examiner respectfully disagrees.

In view of the applicant's amendment, the examiner has applied a new reference (Walker US 5,788,510) to rejected claims 1, 4-8, 10-15, 16, 19-21.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Nguyen whose telephone number is (703) 306-4004. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Austin Bradley, can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

T. Nguyen - October 31, 2001

A handwritten signature in black ink, appearing to read 'T. Nguyen', is located in the lower right quadrant of the page.

EXAMINER'S ATTACHMENT

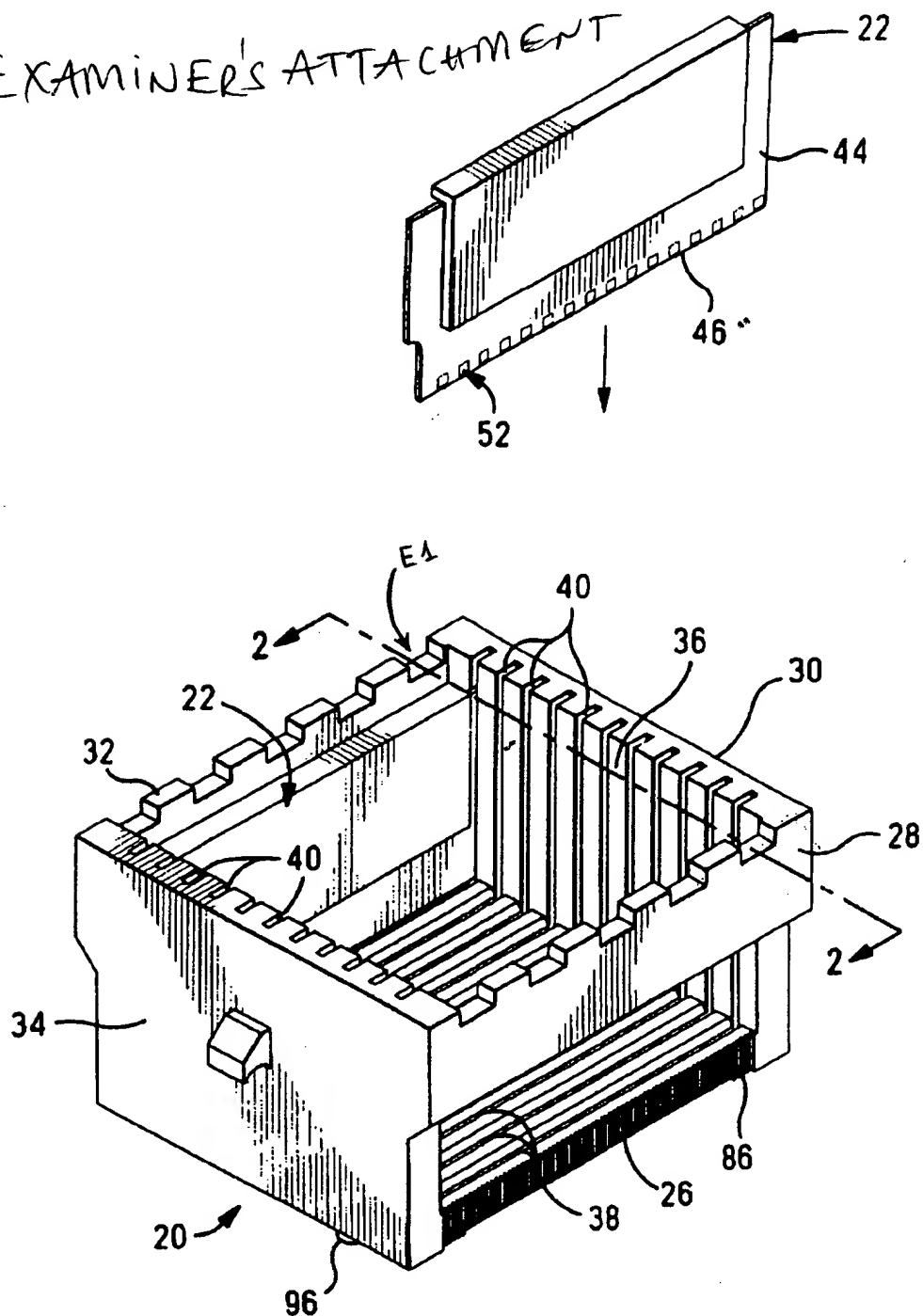


FIG. 1